

Notice of Allowability

Application No. **09/823,666**

09/823,666

Examiner

Hai C Pham

Applicant(s)

CRAWLEY ET AL.

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/01/03.
2. ☒ The allowed claim(s) is/are 1-14, 16-45 and 47-101.
3. ☒ The drawings filed on 31 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Steven N. Terranova on March 5, 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1:

- Line 8, after "laser" (first occurrence) added --beam--;
- Line 8, after "laser" (second occurrence) deleted "beam".

Claim 32:

- Line 9, after "laser" (first occurrence) added --beam--;
- Line 9, after "laser" (second occurrence) deleted "beam".

Claim 64:

- Line 10, after "laser" (first occurrence) added --beam--;
- Line 10, after "laser" (second occurrence) deleted "beam".

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2. The following is an examiner's statement of reasons for allowance: the primary reason for the indication of the allowability of claims 1, 32, 64, is the inclusion therein, in combination as currently claimed, of the limitations that the laser detection device, which is responsive to a product indication signal to determine if a laser has emitted a laser beam towards a product, comprises a laser beam detector that generates a laser beam detection signal in response to the laser emitting the laser beam, a controller that accepts as inputs the product indication signal and the laser beam detection signal wherein the controller emits an error output signal if the laser beam emitted by the laser is not in proper relation to the product indication signal, and a customer interface that accepts as input one or more of the following signals, the laser beam detection signal, the product indication signal or the error output signal. The combined limitations are not found taught or fairly suggested by the prior arts made of record considered alone or in combination.

The prior art of record, Clement et al. (U.S. 5,653,900), discloses a dynamic laser marking system, which comprises a sensing module for detecting the approach of a product to be marked moving on a conveyor belt to generate a product indication signal, a controller for estimating the time of arrival of the product to initiate the emission of a laser beam for marking the product taking into account the velocity of the moving product. However, Clement et al. fails to teach the provision of the laser beam detector that generates a laser beam detection signal in response to the laser emitting the laser beam, and the user interface.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

March 6, 2004